

them anything to scare them to death and hope they send money.

I was underlining all the times they said, "please send money" in this letter. It is one after another.

It says on page 3: "... we need your signature ... and your generous special donation ..."

Then they go on to say: "We also need as generous a donation as you can afford. ..."

They then talk about sending a special donation to help us with our effort, and by making a special donation today, we can help save Medicare; endorsing this with as generous, and then they call it an "emergency donation"—they go from "special donation" to send us an "emergency donation" to stop what BREAUX and THOMAS are trying to do by fixing Medicare.

Then they say:

[Please] boost our grassroots efforts by including an emergency contribution with your Petition. Your contribution of [\$10] or \$25, will be used to reinforce [our] message. ... I've suggested [some] contribution amounts, but anything you can give will help more than you know. Please decide the most you can afford and enclose your check with your signed ... Petition in the enclosed envelope. ...

Your emergency donation is needed "along with your contribution of [blank] or [blank] in the envelope provided."

Mr. President, this is a fundraising letter intended to scare seniors into digging into their pockets, into their retirement funds and funding this operation so they can continue to put out false, erroneous, inaccurate information, information which is simply not true.

The PRESIDING OFFICER. The time of the Senator has expired. I would like for him to go on.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Louisiana be allowed as much additional time as he needs.

Mr. BREAUX. This is not the way to fix Medicare, by scaring seniors. They do not mention that under the current Medicare program the premiums are going to double by the year 2007 if we do not do anything to fix it. That should really scare seniors into saying we need to do something to fix the program for our children and our grandchildren. But to send out false information calling the program a voucher, which it clearly is not, and to say it does not have the defined benefits, which it clearly does, all under the guise of scaring seniors into digging into their pockets and sending money that they need for food and groceries and extra Medicare benefits that they do not get now is something they should be ashamed of.

I think all of us know what they are trying to do. We just have to stand up and say it like it is and call it what it is. This is shameful.

UNANIMOUS CONSENT AGREEMENT—S. 96

Mr. BREAUX. Mr. President, I ask unanimous consent that the Graham amendment to the Y2K legislation be designated an amendment to be offered by Senator TORRICELLI.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUTCHINSON). Morning business is closed.

Y2K ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 96, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a two-digit expression of that year's date.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 608

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. McCAIN. Mr. President, I am pleased to start out by offering a substitute amendment to S. 96, the Y2K Act. This substitute amendment is truly a bipartisan effort. It represents spirited discussion, hard fought compromise, and agreement with a number of my colleagues on both sides of the aisle, led by Senators DODD, WYDEN, HATCH, FEINSTEIN, BENNETT, LIEBERMAN, GORTON, LOTT, ABRAHAM, SANTORUM, and SMITH of Oregon.

The substitute is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. GORTON, Mr. BENNETT, Mr. LOTT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORUM, Mr. SMITH of Oregon, and Mr. LIEBERMAN, proposes an amendment numbered 608.

Mr. McCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, I thank Senator WYDEN for being one of the true leaders on this bill. Senator WYDEN said at our committee markup

that he wanted to get to "yes." He has worked tirelessly with me and others to get there. Having not only the necessary majority vote but the 60 votes necessary to move forward is directly related to his efforts.

I also thank Senator DODD of Connecticut. He has offered an important perspective and has provided excellent suggestions and comments which I think make this substitute we offer today a better piece of legislation.

I am grateful to my colleagues, especially the senior Senator from Connecticut, for their unflinching dedication to dialogue, to working through our differences and remaining focused on the common goal of enacting this critical piece of legislation. Without the leadership of Senators DODD and WYDEN, this bipartisan effort would not have been possible.

Before I talk about the legislation and the language of the substitute itself, I would like to note that there was a unanimous consent agreement that 12 amendments would be in order on both sides. We are now in the process of working with the sponsors of those amendments, some of which we can agree to, some of which may require votes. But I hope my colleagues will also come over here ready to offer those amendments so that in a very short period of time we can begin to dispense with them.

We all know the very heavy schedule of legislation that lies before us between now and the next recess on the Fourth of July. So I am hopeful we can take up and dispense with these amendments in a timely fashion.

The first effort, obviously, will be to get time agreements on those amendments that we are unable to get agreement on, although I believe, from a first look at many of these amendments, we will be able to work out language so that we can accept a number of them. In fact, I think some of them will improve the legislation.

I want to walk through the details of this substitute amendment and the background and history of this bill.

First, let me summarize what this substitute contains.

Specifically, the substitute amendment:

Provides time for plaintiffs and defendants to resolve Y2K problems without litigation.

It reiterates the plaintiff's duty to mitigate damages and highlights the defendant's opportunity to assist plaintiffs in doing that by providing information and resources.

It provides for proportional liability in most cases, with exceptions for fraudulent or intentional conduct or where the plaintiff has limited assets.

It protects governmental entities, including municipalities, school, fire, water, and sanitation districts, from punitive damages.

It eliminates punitive damage limits for egregious conduct while providing small businesses some protection against runaway punitive damage awards.